

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A hearing on supervised release revocation in this case was scheduled before me on January 6, 2009. The United States was represented by AUSA Jill Otake and the defendant by Allen R. Bentley. The proceedings were digitally recorded.

Defendant had been sentenced on or about January 5, 2007 by the Honorable Ricardo S. Martinez on a charge of Conspiracy to Commit Bank Fraud, and sentenced to 8 months custody (30 days in home detention), 5 years supervised release. (Dkt. 229.)

The conditions of supervised release included the standard conditions plus the requirements that defendant participate in a drug program, abstain from alcohol, submit to search, pay restitution in the amount of \$73,592.13, provide access to financial information, maintain a single

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TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE**

01 checking account for all transactions, disclose any business interests, disclose all assets and
02 liabilities, be prohibited from incurring new lines of credit or obligations, refrain from self-
03 employment or employment by friends or relatives unless pre-approved, obtain approval for all
04 employment, not work for cash, provide verification of pay, and not possess any false
05 identification documents.

06 In an application dated November 15 , 2008 (Dkt. 339), U.S. Probation Officer Michael
07 S. Larsen alleged the following violations of the conditions of supervised release:

08 1. Failure to pay restitution as directed for the months of April, May, June, July,
09 August, September, and October 2008, in violation of the special condition ordering him to pay
10 monthly installments, of not less than 10% of his gross monthly income, toward the unpaid balance
11 of restitution.

12 2. Associating with Richard Aquino, a person engaged in criminal activity, on or
13 about October 26, 2008, in violation of standard condition number 9.

14 Defendant was advised in full as to those charges and as to his constitutional rights.

15 Defendant admitted the alleged violations and waived any evidentiary hearing as to
16 whether they occurred. (Dkt. 352.)

17 I therefore recommend the Court find defendant violated his supervised release as alleged,
18 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
19 set before Judge Martinez.

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01 Pending a final determination by the Court, defendant has been released on the conditions
02 of supervision.

03 DATED this 6th day of January, 2009.

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05 
06 Mary Alice Theiler
07 United States Magistrate Judge

08 cc: District Judge: Honorable Ricardo S. Martinez
AUSA: Jill Otake
09 Defendant's attorney: Allen R. Bentley
Probation officer: Michael S. Larsen